

DRAFT DECISION NOTICE
EASTERN DIVIDE INSECT AND DISEASE PROJECT PHASE II
U.S. FOREST SERVICE
EASTERN DIVIDE RANGER DISTRICT
GEORGE WASHINGTON AND JEFFERSON NATIONAL FORESTS
BLAND, GILES, PULASKI, AND WYTHE COUNTIES, VIRGINIA

INTRODUCTION

This document is the Draft Decision Notice for the Eastern Divide Insect and Disease Project Phase II (Phase II Project). It explains the rationale for the decision. For a more thorough description of the analyses and the project Finding of No Significant Impact (FONSI) statement, interested parties should refer to the Environmental Assessment (EA) and the various specialist reports in the project record. The EA and reports can be viewed by appointment at the Eastern Divide Ranger District at 110 Southpark Drive, Blacksburg, VA, or online at <https://www.fs.usda.gov/project/?project=54346>.

DECISION

Based upon my review of the Phase II Project Environmental Assessment (EA), I have decided to implement the Proposed Action with modifications, as described in the final EA. This modifications include an expanded set of design criteria as described in the *Design Criteria and Resource Protection Measures* section of the EA and Appendix A of this document. This will address the need to create early successional conditions within the project area and promote a resilient forest.

DECISION RATIONALE

I have chosen a modified Proposed Action because it better meets the intent of the project and conforms with the direction contained in the *Revised Land and Resource Management Plan Jefferson National Forest* (hereinafter referred to as the Forest Plan). The changes reduce the risk of sedimentation within the project area and trend it toward attaining forest-wide goals and objectives and the desired conditions for the 8A1 (Mix of Successional Habitats in Forested Landscapes) and 9A1 (Source Water Protection Watersheds) management prescriptions described in the Forest Plan.

By moving forward with the planned activities, the amount of early successional habitat will increase across the project area. This will provide a diversification of forest successional stages which will improve wildlife habitat conditions, contribute to the resilience of stands, and reduce stand susceptibility to future large scale insect and disease episodes. In addition, the planned activities will promote and maintain an oak component for future stand development, contribute to local and regional economies via wood markets, and enhance recreational opportunities (such as hunting and berry picking). The planned project activities (e.g., mechanized timber harvest, chemical control of undesirable species) are similar to past management actions successfully conducted on the Eastern Divide Ranger District.

In reaching my decision, I relied on an interdisciplinary team comprised of Forest Service resource specialists to analyze the effects of the proposals described in the final EA, as well as input from public comments on the draft EA.

After reviewing the specialist reports, EA, and associated documents in the project record, I have determined that Proposed Action, with modifications as described in the final EA, meets the goals of the Forest Plan, will address the purpose and need for the project, and considers concerns raised by those who commented on the EA. Inaction would not address the purpose and need for the project.

OTHER ALTERNATIVES CONSIDERED

We are required by the National Environmental Policy Act (NEPA, Section 102(2) (E)) to explore and evaluate reasonable alternatives to the proposed action when there are “*unresolved conflicts concerning alternative uses of natural resources*”. When, such as in this case, there are no unresolved conflicts concerning alternative uses of available resources, the EA need only analyze the proposed action and proceed without consideration of additional alternatives (36 CFR 220.7(b) (2) (i)).

ALTERNATIVE A

Alternative A includes all of the actions described for the modified proposed action, with the exception of herbicide treatments for Units 1, 2, and 4 in the Peak Creek Working Area. These units would be excluded from herbicide treatments as they include 9A1- Source Water Protection Watersheds prescription areas. Total acreage excluded is approximately forty acres.

ALTERNATIVES ELIMINATED FROM DETAILED STUDY

Several other alternatives were considered but not proposed for detailed study because they did not meet the purpose and need of the project, were inconsistent with Forest Plan management direction, or were not feasible due to existing conditions in the project area. A list of these alternatives, along with the rationale for their exclusion, is included in the *Alternatives* section of the EA.

PUBLIC INVOLVEMENT

The Phase II Project first appeared on the Eastern Divide Ranger District’s quarterly Schedule of Proposed Actions (SOPA) in the first quarter of fiscal year 2019 as the Eastern Divide Insect and Disease Project Phase II and has appeared on the schedule as such since that time. The initial proposal was to analyze this phase of the project (Phase II) as Categorically Excluded from documentation in an Environmental Assessment or Environmental Impact Statement under Section 603 of the Healthy Forest Restoration Act of 2003 (16 U.S.C.6591(b)), as was done with Phase I. Scoping was conducted by the Project Interdisciplinary Team (IDT) to determine the issues related to the proposed action, and a variety of individuals and organizations were contacted to identify additional issues and concerns.

Scoping letters were sent and posted to the internet on May 8, 2019 to interested and affected agencies, organizations, and individuals informing them of the preliminary proposal and requesting their input. An

updated stands table correcting the initial scoping announcement was sent and posted on May 14. Comments on the project were accepted through Monday June 24, 2019. Four letters were received in response to this initial scoping. Additionally, three public meetings were held August 15, 2018 at the EDRD office in Blacksburg, Virginia; August 22, 2018 at the Wythe County Community College in Wytheville, Virginia; and May 30, 2019 at the Eastern Divide Ranger District office. The intent of these sessions was to answer questions and solicit input. Comments were considered in the development of the proposed action.

Comments received during the scoping period prompted an internal review. Issues identified from these comments included the appropriate level of analysis, the urgency of the proposed treatments, and the need to consider chemical suppression to achieve the desired silvicultural outcomes. It was concluded that an Environmental Assessment should be performed to analyze the expected effects from a proposed action that includes the use of herbicide.

The comment period for the Draft EA ran from January 27 through February 26 of 2020. Twelve comment letters were received from interested parties; responses to relevant comments have been compiled in the Phase II Response to Comments document posted on the project website (<https://www.fs.usda.gov/project/?project=54346>).

I carefully reviewed and weighed each comment received during both scoping and the notice and comment period for the EA and used them to guide the development of my decision.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

National forest management is guided by various laws, regulations, and policies that provide the framework for all levels of planning. This includes national and regional guides, forest plans, and site-specific planning documents such as this Environmental Assessment. Higher-level documents are incorporated by reference and can be obtained from Forest Service offices. Relevant laws, regulations, and policies, in addition to forest plan direction, are also referenced in individual specialist reports that are part of the project record.

NATIONAL FOREST MANAGEMENT ACT (NFMA)

This project is consistent with the National Forest Management Act (NFMA) of 1976. This project does not propose any commitments of resources that are irretrievable or irreversible. No timber harvest is planned to occur on lands not suited for timber production. Timber harvest is planned to occur only on lands where soil, slope, or other watershed conditions will not be irreversibly damaged. Temporary roads constructed as part of this project will be designed to standards appropriate for the intended uses, considering safety, cost of transportation, and impacts on land and resources. Temporary roads constructed in connection with this project will be designed with the goal of closing and revegetating them following completion of the activities for which they were constructed and any associated administrative use.

This decision to authorize the implementation of vegetation treatments on National Forest System lands on the Jefferson National Forest is consistent with the intent of the Forest Plan's long term goals and

objectives. The project was designed in conformance with Forest Plan standards and incorporates appropriate Forest Plan guidance.

ROADLESS AREA CONSERVATION RULE

The Phase II Project does not overlap any Inventoried Roadless Areas identified under the 2001 Roadless Area Conservation Rule.

CLEAN WATER ACT (CWA)

Integration of resource protection measures and best management practices into the proposed action is intended to protect species and age class diversity in riparian areas; maintain riparian species in streamside management zones; and leave sufficient vegetation to provide bank stabilization, shade, and future sources of large wood to ensure channel maintenance. Further, best management practices call for treatments to avoid, minimize, or mitigate adverse effects to riparian resources. Implementation of these measures will ensure protection of aquatic resources and water quality during and after project implementation. Implementation of the proposed action is not expected to substantially alter the water quality within or adjacent to the Phase II project area. Therefore, I determined that the proposed action is in compliance with the requirements of the Clean Water Act.

MIGRATORY BIRD TREATY ACT (MBTA) AND EXECUTIVE ORDER 13186

The proposed action would provide suitable habitat for some species of migratory birds and is in compliance with the Migratory Bird Treaty Act.

FLOODPLAIN MANAGEMENT (E.O. 11988), PROTECTION OF WETLANDS (E.O. 11990), MUNICIPAL WATERSHEDS

Integration of resource protection measures and best management practices for riparian reserves will ensure compliance with EO 11988 Floodplain Management (11988, 1977), and EO 11990 Wetland Protection (11990, 1977). Refer to the section above (CWA) and FONSI Intensity factor #3 found in the EA.

ENVIRONMENTAL JUSTICE (E.O. 12898)

The proposed action is consistent with Executive Order 12898. This project will not have any disparate effects on minority populations or low-income populations. This project will not have human health effects on any group.

CONFLICTS WITH PLANS, POLICIES, OR OTHER JURISDICTIONS

The project Interdisciplinary Team has cooperated with State and other local agencies to the fullest extent possible to reduce duplication between NEPA and State and local requirements. State, local, and Federal laws were reviewed and this project has no inconsistencies with approved State or local plan and laws.

A FONSI and EA were considered. I determined these actions will not have a significant effect on the quality of the human environment and an Environmental Impact Statement (EIS) will not be prepared.

ADMINISTRATIVE REVIEW OPPORTUNITIES

This project is subject to a pre-decisional objection process as described in 36 CFR 218. The objection period will end 45 calendar days following the publication of a legal notice in the *Roanoke Times*. This notice is expected to be published on October 6, 2020. The decision implements the Jefferson National Forest Land and Resource Management Plan and does not fall under the Healthy Forest Restoration Act. Requirements for filing an objection may be found on the project's web page at <https://www.fs.usda.gov/project/?project=54346>.

IMPLEMENTATION DATE

This project may be implemented any time following the date the final decision is signed. Implementation will occur over several years as funding and resources allow.

CONTACT

For additional information concerning this decision, contact: Christopher Brown, Zone NEPA Planner, christopherjbrown@fs.fed.us; or Beth Christensen, District Ranger, beth.christensen@usda.gov at the Eastern Divide Ranger District Office at (540) 552-4641.

- DRAFT

Beth A. Christensen
Eastern Divide District Ranger

Date

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APPENDIX A

Design Criteria and Resource Protection Measures

The proposed action will follow the forest-wide common standards stated in the Forest Plan. In addition, the following site-specific mitigation measures will be followed:

Where short sections of steep areas (greater than 35 percent) occur within harvest units, logging equipment will remain on established skid roads. These roads will be less than 15 percent grade and winching will be used to remove timber from the steep areas.

All riparian zones, as identified in Appendix A of the Forest Plan, will be vehicle exclusion zones and no harvest will occur within those zones. Any crossings of streams will be at as close to right angles as possible and only at crossing locations approved by the forest hydrologist or forest fisheries biologist.

All prehistoric and historic areas will be excluded from ground disturbance.

Areas identified as meeting George Washington and Jefferson NFs and USFS Southern Region Old Growth Guidance definitions will be excluded from harvest. These areas are considered excellent primary and secondary cavity user habitat.

Following project completion, all temporary roads will be disked, limed, fertilized, and seeded to vegetative cover.

The residual basal area in Dismal Unit 6 will be increased to 30 to 40 square feet to preserve the scenic quality.

Upon the completion of treatments in Dismal Units 9 and 10, access to FR6871 (Brookmont Road) will be restricted with physical barriers and it will not be available for public motorized use.

This project will also implement the following conditions along Little Horse Gap (#1063) within the Flat Top Trail System:

- Within 5 feet of the trail, all trees will be retained to prevent impacts to the trail tread.
- Within 40 feet of the trail, 20 percent of the basal area of all trees greater than 8 -inches dbh will be retained.
- Decisions to retain individual trees will be made collaboratively by the recreation program manager and the district silviculturist assigned to the project.